

113TH CONGRESS  
1ST SESSION

# S. 1210

To allow a State to submit a declaration of intent to the Secretary of Education to combine certain funds to improve the academic achievement of students.

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## IN THE SENATE OF THE UNITED STATES

JUNE 20, 2013

Mr. CORNYN (for himself, Mr. COBURN, Mr. GRASSLEY, Mr. INHOFE, Mr. RUBIO, Mr. SCOTT, Mr. JOHNSON of Wisconsin, Mr. CRUZ, Mr. LEE, Mr. WICKER, and Mr. BOOZMAN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To allow a State to submit a declaration of intent to the Secretary of Education to combine certain funds to improve the academic achievement of students.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; PURPOSE;**

4 **DEFINITIONS.**

5 (a) SHORT TITLE.—This Act may be cited as the  
6 “Academic Partnerships Lead Us to Success Act” or the  
7 “A PLUS Act”.

1           (b) TABLE OF CONTENTS.—The table of contents for  
2 this Act is as follows:

- Sec. 1. Short title; table of contents; purpose; definitions.
- Sec. 2. Declaration of intent.
- Sec. 3. Transparency for results of public education.
- Sec. 4. Maintenance of funding levels spent by States on education.
- Sec. 5. Administrative expenses.
- Sec. 6. Equitable participation of private schools.

3           (c) PURPOSE.—The purposes of this Act are as fol-  
4 lows:

5           (1) To give States and local communities max-  
6 imum flexibility to determine how to improve aca-  
7 demic achievement and implement education re-  
8 forms.

9           (2) To reduce the administrative costs and com-  
10 pliance burden of Federal education programs in  
11 order to focus Federal resources on improving aca-  
12 demic achievement.

13           (3) To ensure that States and communities are  
14 accountable to the public for advancing the academic  
15 achievement of all students, especially disadvantaged  
16 children.

17           (d) DEFINITIONS.—

18           (1) IN GENERAL.—Except as otherwise pro-  
19 vided, the terms used in this Act have the meanings  
20 given the terms in section 9101 of the Elementary  
21 and Secondary Education Act of 1965 (20 U.S.C.  
22 7801 et seq.).

1 (2) OTHER TERMS.—In this Act:

2 (A) ACCOUNTABILITY.—The term “ac-  
3 countability” means that public schools are an-  
4 swerable to parents and other taxpayers for the  
5 use of public funds and shall report student  
6 progress to parents and taxpayers regularly.

7 (B) DECLARATION OF INTENT.—The term  
8 “declaration of intent” means a decision by a  
9 State, as determined by State Authorizing Offi-  
10 cials or by referendum, to assume full manage-  
11 ment responsibility for the expenditure of Fed-  
12 eral funds for certain eligible programs for the  
13 purpose of advancing, on a more comprehensive  
14 and effective basis, the educational policy of  
15 such State.

16 (C) STATE.—The term “State” has the  
17 meaning given such term in section 1122(e) of  
18 the Elementary and Secondary Education Act  
19 of 1965 (20 U.S.C. 6332(e)).

20 (D) STATE AUTHORIZING OFFICIALS.—The  
21 term “State Authorizing Officials” means the  
22 State officials who shall authorize the submis-  
23 sion of a declaration of intent, and any amend-  
24 ments thereto, on behalf of the State. Such offi-

1           cials shall include not less than 2 of the fol-  
2           lowing:

3                   (i) The governor of the State.

4                   (ii) The highest elected education offi-  
5                   cial of the State, if any.

6                   (iii) The legislature of the State.

7           (E) STATE DESIGNATED OFFICER.—The  
8           term “State Designated Officer” means the  
9           person designated by the State Authorizing Of-  
10          ficials to submit to the Secretary, on behalf of  
11          the State, a declaration of intent, and any  
12          amendments thereto, and to function as the  
13          point-of-contact for the State for the Secretary  
14          and others relating to any responsibilities aris-  
15          ing under this Act.

16 **SEC. 2. DECLARATION OF INTENT.**

17          (a) IN GENERAL.—Each State is authorized to sub-  
18          mit to the Secretary a declaration of intent permitting the  
19          State to receive Federal funds on a consolidated basis to  
20          manage the expenditure of such funds to advance the edu-  
21          cational policy of the State.

22          (b) PROGRAMS ELIGIBLE FOR CONSOLIDATION AND  
23          PERMISSIBLE USE OF FUNDS.—

24                  (1) SCOPE.—A State may choose to include  
25          within the scope of the State’s declaration of intent

1 any program for which Congress makes funds avail-  
2 able to the State if the program is for a purpose de-  
3 scribed in the Elementary and Education Secondary  
4 Act of 1965 (20 U.S.C. 6301). A State may not in-  
5 clude any program funded pursuant to the Individ-  
6 uals with Disabilities Education Act (20 U.S.C.  
7 1400 et seq.).

8 (2) USES OF FUNDS.—Funds made available to  
9 a State pursuant to a declaration of intent under  
10 this Act shall be used for any educational purpose  
11 permitted by State law of the State submitting a  
12 declaration of intent.

13 (c) CONTENTS OF DECLARATION.—Each declaration  
14 of intent shall contain—

15 (1) a list of eligible programs that are subject  
16 to the declaration of intent;

17 (2) an assurance that the submission of the  
18 declaration of intent has been authorized by the  
19 State Authorizing Officials, specifying the identity of  
20 the State Designated Officer;

21 (3) the duration of the declaration of intent;

22 (4) an assurance that the State will use fiscal  
23 control and fund accounting procedures;

24 (5) an assurance that the State will meet the  
25 requirements of applicable Federal civil rights laws

1 in carrying out the declaration of intent and in con-  
2 solidating and using the funds under the declaration  
3 of intent;

4 (6) an assurance that in implementing the dec-  
5 laration of intent the State will seek to advance edu-  
6 cational opportunities for the disadvantaged; and

7 (7) a description of the plan for maintaining di-  
8 rect accountability to parents and other citizens of  
9 the State.

10 (d) DURATION.—The duration of the declaration of  
11 intent shall not exceed 5 years.

12 (e) REVIEW AND RECOGNITION BY THE SEC-  
13 RETARY.—

14 (1) IN GENERAL.—The Secretary shall review  
15 the declaration of intent received from the State  
16 Designated Officer not more than 60 days after the  
17 date of receipt of such declaration, and shall recog-  
18 nize such declaration of intent unless the declaration  
19 of intent fails to meet the requirements under sub-  
20 section (c).

21 (2) RECOGNITION BY OPERATION OF LAW.—If  
22 the Secretary fails to take action within the time  
23 specified in paragraph (1), the declaration of intent,  
24 as submitted, shall be deemed to be approved.

25 (f) AMENDMENT TO DECLARATION OF INTENT.—

1           (1) IN GENERAL.—The State Authorizing Offi-  
2           cials may direct the State Designated Officer to sub-  
3           mit amendments to a declaration of intent that is in  
4           effect. Such amendments shall be submitted to the  
5           Secretary and considered by the Secretary in accord-  
6           ance with subsection (e).

7           (2) AMENDMENTS AUTHORIZED.—A declaration  
8           of intent that is in effect may be amended to—

9                   (A) expand the scope of such declaration of  
10                  intent to encompass additional eligible pro-  
11                  grams;

12                  (B) reduce the scope of such declaration of  
13                  intent by excluding coverage of a Federal pro-  
14                  gram included in the original declaration of in-  
15                  tent;

16                  (C) modify the duration of such declara-  
17                  tion of intent; or

18                  (D) such other modifications that the  
19                  State Authorizing Officials deem appropriate.

20           (3) EFFECTIVE DATE.—The amendment shall  
21           specify an effective date. Such effective date shall  
22           provide adequate time to assure full compliance with  
23           Federal program requirements relating to an eligible  
24           program that has been removed from the coverage of

1 the declaration of intent by the proposed amend-  
2 ment.

3 (4) TREATMENT OF PROGRAM FUNDS WITH-  
4 DRAWN FROM DECLARATION OF INTENT.—Begin-  
5 ning on the effective date of an amendment executed  
6 under paragraph (2)(B), each program requirement  
7 of each program removed from the declaration of in-  
8 tent shall apply to the State’s use of funds made  
9 available under the program.

10 **SEC. 3. TRANSPARENCY FOR RESULTS OF PUBLIC EDU-**  
11 **CATION.**

12 (a) IN GENERAL.—

13 (1) INFORMING THE PUBLIC ABOUT ASSESS-  
14 MENT AND PROFICIENCY.—Each State operating  
15 under a declaration of intent under this Act shall in-  
16 form parents and the general public regarding the  
17 student achievement assessment system, dem-  
18 onstrating student progress relative to the State’s  
19 determination of student proficiency, as described in  
20 paragraph (2), for the purpose of accountability.

21 (2) ASSESSMENT AND STANDARDS.—Each  
22 State operating under a declaration of intent under  
23 this Act shall establish and implement a single sys-  
24 tem of academic standards and academic assess-  
25 ments, including the development of student pro-

1       iciency goals. Such State may apply the academic  
2       assessments and standards described under section  
3       1111 of the Elementary and Secondary Education  
4       Act of 1965 (20 U.S.C. 6311) or establish and im-  
5       plement different academic assessments and stand-  
6       ards.

7       (b) ACCOUNTABILITY SYSTEM.—The State shall de-  
8       termine and establish an accountability system to ensure  
9       accountability under this Act.

10       (c) REPORT ON STUDENT PROGRESS.—Not later  
11       than 1 year after the effective date of the declaration of  
12       intent, and annually thereafter, a State shall disseminate  
13       widely to parents and the general public a report that de-  
14       scribes student progress. The report shall include—

15               (1) student performance data disaggregated in  
16       the same manner as data are disaggregated under  
17       section 1111(b)(3)(C)(xiii) of the Elementary and  
18       Secondary Education Act of 1965 (20 U.S.C.  
19       6311(b)(3)(C)(xiii)); and

20               (2) a description of how the State has used  
21       Federal funds to improve academic achievement, re-  
22       duce achievement disparities between various stu-  
23       dent groups, and improve educational opportunities  
24       for the disadvantaged.

1 **SEC. 4. MAINTENANCE OF FUNDING LEVELS SPENT BY**  
2 **STATES ON EDUCATION.**

3 (a) **IN GENERAL.**—For each State consolidating and  
4 using funds pursuant to a declaration of intent under this  
5 Act, for each school year of the declaration of intent, the  
6 aggregate amount of funds spent by the State on elemen-  
7 tary and secondary education shall be not less than 90  
8 percent of the aggregate amount of funds spent by the  
9 State on elementary and secondary education for the  
10 school year that coincides with the date of enactment of  
11 this Act.

12 (b) **EXCEPTION.**—

13 (1) **STATE WAIVER CLAIM.**—The requirement of  
14 subsection (a) may be waived by the State Author-  
15 izing Officials if the State having a declaration of in-  
16 tent in effect makes a determination, supported by  
17 specific findings, that uncontrollable or exceptional  
18 circumstances, such as a natural disaster or extreme  
19 contraction of economic activity, preclude compliance  
20 for a specified period, which may be extended. Such  
21 determination shall be presented to the Secretary by  
22 the State Designated Officer.

23 (2) **ACTION BY THE SECRETARY.**—The Sec-  
24 retary shall accept the State’s waiver, as described  
25 in paragraph (1), if the State has presented evidence  
26 to support such waiver. The Secretary shall review

1 the waiver received from the State Designated Offi-  
2 cer not more than 60 days after the date of receipt.  
3 If the Secretary fails to take action within that time  
4 frame, the waiver, as submitted, shall be deemed to  
5 be approved.

6 **SEC. 5. ADMINISTRATIVE EXPENSES.**

7 (a) IN GENERAL.—Except as provided in subsection  
8 (b), the amount that a State with a declaration of intent  
9 may expend for administrative expenses shall be limited  
10 to 1 percent of the aggregate amount of Federal funds  
11 made available to the State through the eligible programs  
12 included within the scope of such declaration of intent.

13 (b) STATES NOT CONSOLIDATING FUNDS UNDER  
14 PART A OF TITLE I.—If the declaration of intent does  
15 not include within its scope part A of title I of the Elemen-  
16 tary and Secondary Education Act of 1965 (20 U.S.C.  
17 6311 et seq.), the amount spent by the State on adminis-  
18 trative expenses shall be limited to 3 percent of the aggre-  
19 gate amount of Federal funds made available to the State  
20 pursuant to such declaration of intent.

21 **SEC. 6. EQUITABLE PARTICIPATION OF PRIVATE SCHOOLS.**

22 Each State consolidating and using funds pursuant  
23 to a declaration of intent under this Act shall provide for  
24 the participation of private school children and teachers  
25 in the activities assisted under the declaration of intent

1 in the same manner as participation is provided to private  
2 school children and teachers under section 9501 of the El-  
3 ementary and Secondary Education Act of 1965 (20  
4 U.S.C. 7881).

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